

EXHIBIT 31

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 3 ALISHA M. LOUIE (SBN 240863)
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13 Attorneys for Defendants Polo Ralph Lauren
 14 Corporation; Polo Retail, LLC; Fashions Outlet
 15 of America, Inc.; and Polo Retail Corporation

ENDORSED
 FILED
 San Francisco County Superior Court

DEC 13 2006

GORDON PARK-LI, Clerk
 BY: ELIAS BUTT
 Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF SAN FRANCISCO

12 ANN OTSUKA, an individual; JANIS
 13 KEEFE, an individual; CORINNE PHIPPS,
 14 an individual; and JUSTIN KISER, an
 15 individual; and on behalf of all other
 16 similarly situated,

17 Plaintiff(s),

18 v.

19 POLO RALPH LAUREN CORPORATION,
 20 a Delaware Corporation; POLO RETAIL,
 21 LLC, a Delaware Corporation; POLO
 22 RALPH LAUREN CORPORATION, a
 23 Delaware Corporation, doing business in
 24 California as POLO RETAIL CORP;
 25 FASHIONS OUTLET OF AMERICA, INC.,
 26 a Delaware Corporation and DOES 1-500,
 27 inclusive,

28 Defendant(s)..

Case No. CGC-06-452655

RE-NOTICE OF HEARING OF
 DEFENDANTS' DEMURRER TO FIRST
 AMENDED COMPLAINT

Date: January 22, 2007
 Time: 9:30 a.m.
 Dept.: 304
 Judge: Hon. Richard A. Kramer

Date Action Filed: May 30, 2006

26 TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

BY FAX

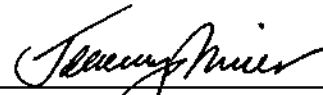
1 NOTICE IS HEREBY GIVEN that on January 22, 2007 at the hour of 9:30 a.m., or as soon
2 thereafter as this matter may be held in Department 304 of the above-entitled Court located at 400
3 McAllister Street, San Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo
4 Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation (collectively referred to
5 herein as "Defendants" or "Polo") will demur to the First Amended Complaint ("Complaint") of
6 Plaintiffs Ann Otsuka, an individual; Janis Keefe, an individual; Corinne Phipps, an individual; and
7 Justin Kiser, an individual; and on behalf of all other similarly situated (collectively referred to
8 herein as "Plaintiffs").

9 Said demurrer will be based on the previously filed and served Demurrer to First Amended
10 Complaint, Memorandum of Points and Authorities, the Complaint, all other pleadings and files in
11 this matter, and such other and further argument which may be presented at the hearing on this
12 matter.

13 Dated: December 13, 2006.

14 GREENBERG TRAURIG

15 By

16 
William J. Gomes

17 Jeremy A. Meier

18 Alisha M. Louie

19 Attorneys for Defendants Polo Ralph

20 Lauren Corporation; Polo Retail, LLC;

21 Fashions Outlet of America, Inc.; and Polo

22 Retail Corporation
23
24
25
26
27
28

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On December 13, 2006, I served the following documents:

RE-NOTICE OF HEARING ON DEFENDANTS' DEMURRER TO FIRST AMENDED COMPLAINT

☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **UNITED STATES MAIL** at East Palo Alto, California, addressed as set forth below.

☐ by **OVERNIGHT MAIL** by placing the document(s) listed above in a sealed overnight mail envelope with postage thereon fully prepaid, addressed as set forth below. I am aware that on motion of the party served, service is presumed invalid if delivery by Federal Express is more than one day after date of deposit with Federal Express.

☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

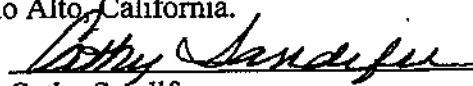
Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 13, 2006, at East Palo Alto, California.


Cathy Sandifer

Proof of Service

EXHIBIT 32

ENDORSED
FILED
San Francisco County Superior Court

JAN 17 2007

GORDON PARK-LI, Clerk
BY ELIZABETH ZALDIVAR
Deputy Clerk

Patrick R. Kitchin, Esq. (SBN. 162965)
THE LAW OFFICE OF PATRICK R. KITCHIN
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415-677-9058
415-627-9076 (fax)

Attorneys for Ann Otsuka, Janis Keefe,
Corinne Phipps and Justin Kiser

WILLIAM J. GOINES (SBN 061290)
JEREMY A. MEIER (SBN 139849)
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1900 University Avenue, Fifth Floor
East Palo Alto, California 94303
Telephone: (650) 328-8500
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Attorneys for Defendants Polo Ralph Lauren
Corporation; Polo Retail, LLC; Polo Ralph Lauren
Corporation, doing business in California as Polo
Retail Corporation; and Fashions Outlet of America, Inc.

(See Last Page for Additional Names of Counsel for the Parties)

SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS KEEFE,) Case No.: CGC-06-452655
an individual; CORINNE PHIPPS, an)
individual; and JUSTIN KISER, an individual;) JOINT CASE MANAGEMENT
individually and on behalf of all others similarly) CONFERENCE STATEMENT
situated,

Plaintiffs,

vs.

POLO RALPH LAUREN CORPORATION; a)
Delaware Corporation; POLO RETAIL, LLC., a)
Delaware Corporation; POLO RALPH) Date: January 22, 2007
LAUREN CORPORATION, a Delaware) Time: 9:30 a.m.
Corporation, doing business in California as) Department: 304
POLO RETAIL CORP; FASHIONS OUTLET) Hon Richard Kramer
OF AMERICA, INC., a Delaware Corporation)
and DOES 1-500, inclusive,

Defendants.

Complaint Filed: May 30, 2007
Trial Date: None Set

1 Plaintiffs Ann Otsuka, Janis Keefe, Corinne Phipps and Justin Kiser ("Plaintiffs"), and
 2 Defendants Polo Ralph Lauren Corporation, Polo Retail, LLC, Polo Ralph Lauren Corporation,
 3 doing business as Polo Retail Corporation, and Fashions Outlet of America, Inc. ("Defendants"),
 4 hereby submit this Joint Case Management Conference Statement in advance of the January 22,
 5 2007, Case Management Conference.

6 A. Nature of Case

7 Plaintiffs filed this class action lawsuit on May 30, 2007. On July 20, 2006, Plaintiffs filed
 8 their First Amended Complaint to add claims under the California Private Attorneys General
 9 Action, Labor Code §§ 2699, et seq., seeking recovery on civil penalties on behalf of themselves,
 10 the putative class and the State of California.

11 Plaintiffs' First Amended Complaint alleges various labor law violations, including fraud,
 12 false imprisonment, failure to pay wages earned, failure to pay wages timely, failing to pay
 13 premium overtime, breach of contract, failure to provide workers with rest breaks, unjust
 14 enrichment, violations of Business and Professions Code §§ 17200, et seq., and violations of the
 15 Private Attorneys General Act.

16 On October 12, 2006, Defendants demurred to Plaintiffs' First Amended Complaint as to
 17 Plaintiffs' First Cause of Action for Fraud, Second Cause of Action for False Imprisonment,
 18 Seventh Cause of Action for Willful Failure to Provide Rest Periods (as to claims by Plaintiffs
 19 Otsuka, Phipps and Keefe), Eighth Cause of Action of Willful Violations of Labor Code §§ 226
 20 (as to claims of Plaintiffs Otsuka, Phipps and Keefe), Eleventh Cause of Action for Unjust
 21 Enrichment, and the Thirteenth Cause of Action for Recovery Under the Private Attorneys General
 22 Act 226 (as to claims of Plaintiffs Otsuka, Phipps and Keefe). The hearing on that motion was
 23 continued by the Court from November 15, 2006, to January 22, 2007. The motion is fully briefed
 24 and is scheduled to be heard on the date of this Case Management Conference.

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1 B. Status Of Discovery

2 1. Plaintiffs

3 Plaintiffs have served extensive written discovery on all Defendants, focused on issues
4 relevant to class certification. Plaintiffs have provided an extension of time through February 8,
5 2007, for all Defendants to provide written responses and the production of responsive documents.

6 Plaintiffs intend to serve approximately 10 notices of depositions of Defendants' managers
7 and persons most knowledgeable within the next two weeks. Plaintiffs will coordinate with
8 Defendants in the selection of dates, times and locations. With Defendants' cooperation, these
9 initial depositions will take place during February and March 2007.

10 All Plaintiffs have responded to Defendants' first set of requests for production. Plaintiffs
11 Corinne Phipps and Just Kiser have responded to Defendants' first set of special interrogatories
12 and Plaintiffs Ann Otsuka and Janis Kcefe intend to respond to these interrogatories on January 22,
13 2007. Defendants have served notices of deposition of all Plaintiffs, but have not scheduled dates,
14 times and places yet.

15 Plaintiffs intend to commence discovery relating to their California Private Attorneys
16 General Act ("PAGA") claims following the Court's rulings on Defendants' demurrer. Plaintiffs
17 are entitled to broad discovery on these claims and are not required to obtain class certification
18 prior to conducting that discovery.

19 2. Defendants

20 Defendants served extensive Requests for Production of Documents On October 27, 2006
21 and Special Interrogatories on November 20, 2006 on all named Plaintiffs. Plaintiffs requested and
22 Defendants granted extensions of time in which to provide their responses and production of
23 documents through and until November 30, 2006 and then to December 15, 2006. Plaintiffs served
24 responses to Defendants' Request for Production of Documents on December 12, 2006 and
25 produced certain electronic documents on January 11, 2006. Plaintiffs served responses to
26 Defendants' Request for Special Interrogatories as to Plaintiffs Kiser and Otsuka on January 16,
27 2006. Defendants granted a further extension on January 15, 2007 for Plaintiffs to respond to
28

1 Defendants' Special Interrogatories as to Plaintiffs Phipps and Keefe through and until January 22,
2 2007.

3 On October 27, 2006, Defendants noticed each of the named Plaintiffs depositions in
4 expectation of Plaintiffs' original return date for written discovery responses. Plaintiff Otsuka's
5 deposition was noticed for December 13, 2006, Plaintiff Kiser's for December 14, 2006, Plaintiff
6 Keefe's for December 19, 2006, and Plaintiff Phipps for December 20, 2006. In light of the
7 extensions of time granted to Plaintiffs to provide written discovery responses and to produce
8 documents, these depositions have been continued to February and/or March 2007. Defendants
9 intend on completing these noticed depositions prior to any subsequently noticed depositions
10 taking place.

11 The parties have met and conferred and exchanged drafts of a proposed protective order
12 which, once executed, will be promptly presented to the Court for its approval.

13 Extensive further written, documentary and oral discovery is anticipated over the coming
14 months. Given the complexity and volume of anticipated discovery, Defendants anticipate that
15 discovery will be completed in December 2007.

16 C. Anticipated Motions

17 1. Plaintiffs

18 **Discovery Motions:** Plaintiffs anticipate the need for the Court's involvement in issues
19 relating to the class-wide discovery rights of the parties. While Plaintiffs have limited their first
20 set of discovery requests to matters relating to "numerosity, typicality and commonality," Plaintiffs
21 understand Defendants may have a different perspective on the appropriateness of some of their
22 discovery. In addition, Plaintiffs believe they are entitled to merits discovery at this time on their
23 Private Attorneys General Act claims. If Defendants have a different perspective, the Court's
24 assistance may be required.

25 **Motion for Class Certification:** Plaintiffs intend to seek class certification as quickly as
26 possible following the completion of the discovery discussed above. With the cooperation of
27 Defendants on scheduling issues, and minimum discovery disputes, Plaintiffs believe their motion
28 for class certification can be filed no later than June 2007.

1 **Motion for Summary Adjudication:** As discovery proceeds Plaintiffs will evaluate the
 2 appropriateness of resolving limited legal issues through summary adjudication.

3 2. Defendants

4 **Demurrer:** On August 24, 2006, the parties stipulated to a 15-day extension of time for
 5 Defendants to respond to Plaintiffs' First Amended Complaint. On September 12, 2006, the
 6 Honorable Arlene T. Borick granted Defendant's *Ex Parte* Application for an additional 30-days
 7 time to respond through and until October 12, 2006. On October 12, 2006, Defendants filed a
 8 Demur before the Honorable Peter Busch to Plaintiffs' First Cause of Action for Fraud, Second
 9 Cause of Action for False Imprisonment, Seventh Cause of Action for Willful Failure to Provide
 10 Rest Periods (as to claims by Plaintiffs Otsuka, Phipps and Keefe), Eighth Cause of Action of
 11 Willful Violations of Labor Code §§ 226 (as to claims of Plaintiffs Otsuka, Phipps and Keefe),
 12 Eleventh Cause of Action for Unjust Enrichment, and the Thirteenth Cause of Action for Recovery
 13 Under the Private Attorneys General Act 226 (as to claims of Plaintiffs Otsuka, Phipps and Keefe).
 14 Defendants' Demurrer as to these causes of actions is presently scheduled to be heard before this
 15 Court on January 22, 2007 pursuant to this Court's Order granting Defendants' Application for
 16 Complex Litigation Designation.

17 **Discovery Motions:** Defendants intend to meet and confer with Plaintiffs to resolve
 18 discovery issues without the intervention of the Court but given the complexity of the issues
 19 involved in this litigation, Defendants anticipate the need for active Court supervision and
 20 potential intervention.

21 **Motion for Summary Judgment/Adjudication:** After significant discovery has been
 22 concluded, Defendants may file a Motion for Summary Judgment as to all of Plaintiffs' claims, or,
 23 in the alternative, a Motion for Summary Adjudication as to some of Plaintiffs' claims.

24 D. Alternative Dispute Resolution

25 1. Plaintiffs

26 Plaintiffs are amenable to private mediation following the completion of sufficient
 27 discovery to evaluate liability and damages.

28 //

1 2. Defendants

2 Defendants are amenable to private mediation or other appropriate non binding neutral
3 evaluation following the completion of sufficient discovery to evaluate Plaintiffs' claims.

4 E: Trial

5 1. Plaintiffs


6 While Plaintiffs are not yet in a position to accurately estimate when this matter will be
7 ready for trial, they intend to move this matter forward as expeditiously as possible. Plaintiffs
8 request that the Court set a trial date at a subsequent Case Management Conference following the
9 completion of the discovery described above.

10 2. Defendants

11 Defendants intend on moving this action forward and request the Court hold a trial setting
12 conference to determine an appropriate trial date once discovery timelines and closure dates have
13 been established.

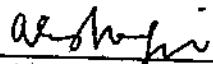
14
15 DATED: January 17, 2007

THE LAW OFFICE OF PATRICK R. KITCHIN

16
17 By: 
18 Patrick R. Kitchen, Esq.
19 Attorneys for Plaintiffs

20 DATED: January 17, 2007

GREENBERG TRAURIG

21
22 By: 
23 William J. Goines
24 Jeremy A. Meier
25 Alisha M. Louie

26 Attorneys for Defendants Polo Ralph Lauren
27 Corporation; Polo Retail, LLC; Fashions Outlet of
28 America, Inc.; and Polo Retail Corporation

Additional Counsel for Parties

Daniel Feder, Esq. (SBN. 130867)
THE LAW OFFICES OF DANIEL FEDER
807 Montgomery Street
San Francisco, CA 94133
(415) 391-9476

Attorneys for Ann Otsuka, Janis Keefe,
Corinne Phipps and Justin Kiser

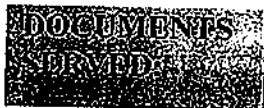
BRIAN S. COUSIN (*PRO HAC VICE*)
NEIL A. CAPOBIANCO (*PRO HAC VICE*)
GREENBERG TRAURIG, LLP
MetLife Building
200 Park Avenue
New York, NY 10166
Telephone: (212) 801-9200
Facsimile: (212) 801-6400

Attorneys for Defendants Polo Ralph Lauren
Corporation; Polo Retail, LLC; Polo Ralph Lauren
Corporation, doing business in California as Polo
Retail Corporation; and Fashions Outlet of America, Inc.

PROOF OF SERVICE

1. I, Karla Donis, the below signed declare, I am employed, in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 565 Commercial Street, 4th Floor, San Francisco, California 94111.
2. I am familiar with the office practice for depositing U.S. Mail, facsimile transmission and Federal Express routing. In addition, I am familiar with both State and Local Rules regarding use of recycled paper and represent this document and all documents referred to herein comply with applicable recycled paper use requirements.
3. On January 18, 2007, I served the following documents on the parties identified as follows:

William J. Goines, Esq.
Greenberg Traurig, LLP
1900 University Ave., 5th Floor
East Palo Alto, CA 94303

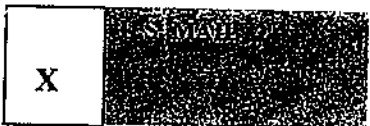


• **JOINT CASE MANAGEMENT CONFERENCE
STATEMENT**

4. The manner of service is indicated below. Please check one.



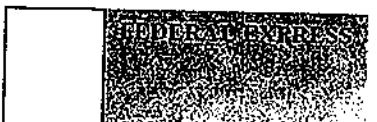
I caused each such document, in an envelope, to be served by hand on the person listed above.



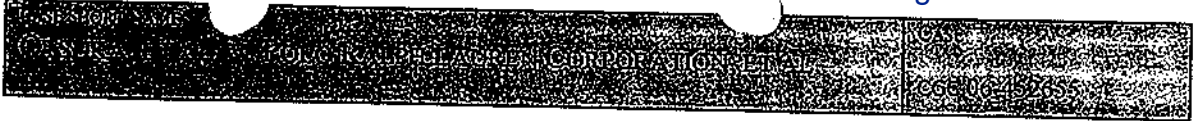
I caused each such document, in an envelope, with first-class postage thereon fully pre-paid, to be deposited with the U.S. Mail in San Francisco, California.



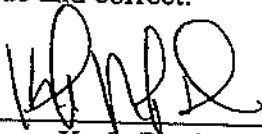
I caused each such document, to be transmitted by facsimile to the facsimile number known by me to be the facsimile number Of each of the parties listed on the attached service list.



I caused each such document, in an envelope, with Federal Express postage, postage pre-paid, to be deposited with Federal Express in San Francisco, California.



I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Karla Donis

1/18/07

Date

EXHIBIT 33

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MINUTES

January 22, 2007

ANN OTSUKA, et al.

PLAINTIFF

VS.

POLO RALPH LAUREN
CORPORATION, et al.

Department: 304

Case Number: CGC-06-452655

Nature of Cause:

**DEMURRER TO FIRST
AMENDED COMPLAINT**

**CASE MANAGEMENT
CONFERENCE**

Present:

Judge: RICHARD A. KRAMER
Reporter: CANDACE YOUNT

Clerk: FELICIA GREEN
Bailiff: NOT PRESENT

Appearances:

Daniel Feder LAW OFFICES OF DANIEL FEDER 807 Montgomery Street San Francisco, CA 94133 (415) 391-9476 Attorney for Plaintiffs	William J. Goines Jeremy Meier GREENBERG TRAUIG 1900 University Avenue, 5 th Floor East Palo Alto, CA 94303 (650) 328-8500 Attorneys for Defendants
Patrick R. Kitchen LAW OFFICES OF PATRICK R. KITCHIN 565 Commercial Street, 4 th Floor San Francisco, CA 94111 (415) 677-9058 Attorney for Plaintiffs	

The above-entitled matter comes on calendar regularly for hearing of the demurrer to the first amended complaint and case management conference. Court, personnel and counsel are present as listed above. The Court issues the tentative ruling for the demurrer to the first amended complaint. Counsel presents oral arguments and submits the matter to the Court. The Court

rules on the demurrer to the first amend complaint as follows: The first cause of action for fraud is **OVERRULED**; the second cause of action for false imprisonment is **SUSTAINED** without leave to amend; the seventh cause of action for failure to provide rest breaks is **OVERRULED**; the eighth cause of action for failure to provide wage statements is **SUSTAINED** without leave to amend; the eleventh cause of action for unjust enrichment is **SUSTAINED** without leave to amend; and the thirteenth cause of action under Labor Code 2699 is **SUSTAINED** without leave to amend. The seventh, eighth, and thirteenth causes of action apply only to plaintiff, Kiser. The Court states the basis for the rulings as reflected in the official court reporter's transcript. Plaintiff's counsel shall prepare the written order.

The case management conference commences. **OFF THE RECORD:** The Court gives non-case specific information re the Complex Litigation Department's procedures. **ON THE RECORD:** The Court discusses discovery, protective orders, utilizing a discovery referee and developing an analytical structure to move the case along. The Court informs counsel they may serve discovery at anytime, however, responses will not be due until it is ordered from the Court. The Court instructs counsel to meet and confer re what threshold of discovery is appropriate to exchange, and other class issues. The Court continues the matter to April 5, 2007, at 1:30 p.m., for a further case management conference. Counsel informs the Court the matter may go to Federal Court. The Court instructs counsel to send notice if the case is removed. Counsel may contact the clerk in the Complex Litigation Department to continue the matter for thirty, (30) days.

EXHIBIT 34

1 WILLIAM J. GOINES (SBN 061290)
2 JEREMY A. MEIER (SBN 139849)
3 KAREN ROSENTHAL (SBN 209419)
4 ALISHA M. LOUIE (SBN 240863)
5 GREENBERG TRAURIG, LLP
1900 University Avenue, Fifth Floor
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6 BRIAN S. COUSIN (*PRO HAC VICE*)
7 NEIL A. CAPOBIANCO (*PRO HAC VICE*)
8 GREENBERG TRAURIG, LLP
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Telephone: (212) 801-9200
Facsimile: (212) 801-6400

9 Attorneys for Defendants Polo Ralph Lauren
10 Corporation; Polo Retail, LLC; Polo Ralph Lauren
11 Corporation, doing business in California as Polo
12 Retail Corporation; and Fashions Outlet of
13 America, Inc.

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF SAN FRANCISCO
16

17 ANN OTSUKA, an individual; JANIS
18 KEEFE, an individual; CORINNE PHIPPS,
19 an individual; and JUSTIN KISER, an
individual; and on behalf of all other similarly
situated,

20 Plaintiff(s),

21 v.

22 POLO RALPH LAUREN CORPORATION,
a Delaware Corporation; POLO RETAIL,
23 LLC, a Delaware Corporation; POLO
RALPH LAUREN CORPORATION, a
24 Delaware Corporation, doing business in
California as POLO RETAIL CORP;
25 FASHIONS OUTLET OF AMERICA, INC.,
a Delaware Corporation and DOES 1-500,
inclusive,

26 Defendant(s).
27
28

ENDORSED
FILED
San Francisco County Superior Court

JAN 29 2007

GORDON PARK-LI, Clerk

BY: E.J. LACSON
Deputy Clerk

Case No. CGC-06-452655

NOTICE OF ENTRY OF ORDER GRANTING
APPLICATION FOR APPEARANCE OF
BRIAN S. COUSIN *PRO HAC VICE*

Date Action Filed: May 30, 2006

1 TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on December 11, 2006, this Court entered its Order
3 Granting Application to Allow appearance of Brian S. Cousin *Pro Hac Vice*. A copy of said Order is
4 attached as Exhibit A and incorporated by reference as though fully set forth.

5 Dated: January 25, 2006.

GREENBERG TRAURIG, LLP

6
7 By: 

8 William J. Seines
9 Brian S. Cousin
10 Neil A. Capobianco
11 Jeremy A. Meier
12 Alisha Louie

13 Attorney for Defendants Polo Ralph Lauren
14 Corporation; Polo Retail, LLC; Polo Ralph
15 Lauren Corporation, doing business in California
16 as Polo Retail Corporation; and Fashions Outlet
17 of America, Inc
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COPY

ENDORSED
 FILED
 San Francisco County Superior Court

DEC 11 2006

GORDON PARK-LI, Clerk

BY: FELICIA M. GREEN
 Deputy Clerk

WILLIAM J. GOINES (SBN 061290)
 JEREMY A. MEIER (SBN 139849)
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Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 of America, Inc.; and Polo Retail Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 a Delaware Corporation and DOES 1-500,
 inclusive,

Defendant(s).

Case No. CGC-06-452655

~~PROPOSED~~ ORDER GRANTING
 APPLICATION TO ALLOW APPEARANCE
 OF BRIAN S. COUSIN *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

On December 7, 2006 at 9:30 a.m. in Department 301 of the above-captioned Court, located
 at 400 McAllister Street, San Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo
 Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation. (hereafter "Defendants")
 applied (the "Application") pursuant to Rule 983 of the California Rules of Court for an Order

BY FAX

1 permitting Brian S. Cousin, Esq. of Greenberg Traurig, LLP to appear *pro hac vice* in this matter as
2 an attorney of record for Defendants.

3 Having considered all papers filed in support of the Application, the Court finds that good
4 cause exists for granting the Application.

5 IT IS HEREBY ORDERED THAT the Application is granted in its entirety and Brian S.
6 Cousin, Esq. is hereby admitted *pro hac vice* to act as counsel of record in this action on behalf of
7 Defendants.

8
9 Dated: 12-6, 2006

RICHARD A. KRAMER

JUDGE OF THE SUPERIOR COURT.

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

PROOF OF SERVICE

I, Cathy Sandifer, am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On November 8, 2006, I served the following documents:

**[PROPOSED] ORDER GRANTING APPLICATION FOR APPEARANCE OF
BRIAN S. COUSIN *PRO HAC VICE***

☒ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.

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Patrick R. Kitchin, Esq.
Law Offices of Patrick R. Kitchin
565 Commercial St., 4th Fl.
San Francisco, CA 94111
(Fax: 415-627-9076)

Daniel Feder, Esq.
Law Offices of Daniel L. Feder
807 Montgomery St.
San Francisco, CA 94133
(Fax: 415-391-9432)

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Proof of Service

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct.

3 Executed on November 8, 2006, at East Palo Alto, California.

4 Cathy Sandifer
Cathy Sandifer

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 25, 2007, at East Palo Alto, California.


Cathy Sandifer

Proof of Service

EXHIBIT 35

ENDORSED
FILED
San Francisco County Superior Court

JAN 29 2007

GORDON PARK-LL, Clerk
BY: E.J. LACSON
Deputy Clerk

1 WILLIAM J. GOINES (SBN 061290)
JEREMY A. MEIER (SBN 139849)
2 KAREN ROSENTHAL (SBN 209419)
ALISHA M. LOUIE (SBN 240863)
3 GREENBERG TRAURIG, LLP
1900 University Avenue, Fifth Floor
4 East Palo Alto, California 94303
Telephone: (650) 328-8500
5 Facsimile: (650) 328-8508

6 BRIAN S. COUSIN (*PRO HAC VICE*)
NEIL A. CAPOBIANCO (*PRO HAC VICE*)
7 GREENBERG TRAURIG, LLP
MetLife Building
8 200 Park Avenue
New York, NY 10166
9 Telephone: (212) 801-9200
Facsimile: (212) 801-6400

10 Attorneys for Defendants Polo Ralph Lauren
11 Corporation; Polo Retail, LLC; Polo Ralph Lauren
Corporation, doing business in California as Polo
12 Retail Corporation; and Fashions Outlet of
America, Inc.

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF SAN FRANCISCO

17 ANN OTSUKA, an individual; JANIS
KEEFE, an individual; CORINNE PHIPPS,
18 an individual; and JUSTIN KISER, an
individual; and on behalf of all other similarly
19 situated,

Plaintiff(s),

20 v.

21 POLO RALPH LAUREN CORPORATION,
22 a Delaware Corporation; POLO RETAIL,
LLC, a Delaware Corporation; POLO
23 RALPH LAUREN CORPORATION, a
Delaware Corporation, doing business in
24 California as POLO RETAIL CORP;
FASHIONS OUTLET OF AMERICA, INC.,
25 a Delaware Corporation and DOES 1-500,
inclusive,

26 Defendant(s).

Case No. CGC-06-452655

**NOTICE OF ENTRY OF ORDER GRANTING
APPLICATION FOR APPEARANCE OF
NEIL A. CAPOBIANCO *PRO HAC VICE***

Date Action Filed: May 30, 2006

1 TO PLAINTIFFS AND TO THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on December 11, 2006, this Court entered its Order
3 Granting Application to Allow appearance of Neil A. Capobianco *Pro Hac Vice*. A copy of said
4 Order is attached as Exhibit A and incorporated by reference as though fully set forth.

5 Dated: January 25, 2007.

GREENBERG TRAURIG, LLP

6
7 By: 

8 William J. Gomes
9 Brian S. Cousin
10 Neil A. Capobianco
11 Jeremy A. Meier
12 Alisha Louie

13 Attorneys for Defendants Polo Ralph Lauren
14 Corporation; Polo Retail, LLC; Polo Ralph
15 Lauren Corporation, doing business in California
16 as Polo Retail Corporation; and Fashions Outlet
17 of America, Inc
18
19
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A

REC'D NOV 08 2006

ENDORSED
FILED

San Francisco County Superior Court

DEC 11 2006

GORDON PARK-LI, Clerk

BY: FELICIA M. GREEN
Deputy Clerk

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 2 JEREMY A. MEIER (SBN 139849)
 3 GREENBERG TRAUIG, LLP
 1900 University Avenue, Fifth Floor
 4 East Palo Alto, California 94303
 Telephone: (650) 328-8500
 5 Facsimile: (650) 328-8508
 Email: goinesw@gtlaw.com
 meierj@gtlaw.com

6 Attorneys for Defendants Polo Ralph Lauren
 Corporation; Polo Retail, LLC; Fashions Outlet
 7 of America, Inc.; and Polo Retail Corporation

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 FOR THE COUNTY OF SAN FRANCISCO
 11

12 ANN OTSUKA, an individual; JANIS
 13 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 14 individual; and on behalf of all other similarly
 situated,

15 Plaintiff(s),

16 v.

17 POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; POLO RETAIL,
 18 LLC, a Delaware Corporation; POLO
 RALPH LAUREN CORPORATION, a
 Delaware Corporation, doing business in
 19 California as POLO RETAIL CORP;
 FASHIONS OUTLET OF AMERICA, INC.,
 20 a Delaware Corporation and DOES 1-500,
 inclusive,

21 Defendant(s).
 22

Case No. CGC-06-452655

~~PROPOSED~~ ORDER GRANTING
 APPLICATION FOR APPEARANCE OF
 NEIL A. CAPOBIANCO *PRO HAC VICE*

Date: December 7, 2006
 Time: 9:30 a.m.
 Dept: 301

Date Action Filed: May 30, 2006

23
 24 On December 7, 2006 at 9:30 a.m. in Department 301 of the above-captioned Court, located
 25 at 400 McAllister Street, San Francisco, California, Defendants Polo Ralph Lauren Corporation; Polo
 26 Retail, LLC; Fashions Outlet of America, Inc.; and Polo Retail Corporation ("Defendants") applied
 27 (the "Application") pursuant to Rule 983 of the California Rules of Court for an Order permitting
 28

BY FAX

1 Neil A. Capobianco, Esq. of Greenberg Traurig, LLP to appear *pro hac vice* in this matter as an
2 attorney of record for Defendants.

3 Having considered all papers filed in support of the Application, the Court finds that good
4 cause exists for granting the Application.

5 IT IS HEREBY ORDERED THAT the Application is granted in its entirety and Neil A.
6 Capobianco, Esq. is hereby admitted *pro hac vice* to act as counsel of record in this action on behalf
7 of Defendants.

8
9 Dated: 12-6, 2006

RICHARD A. KRAMER

JUDGE OF THE SUPERIOR COURT.

Otsuka, et al. v. Polo Ralph Lauren Corporation, et al.

Case No. CGC-06-452655

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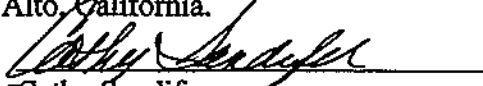
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